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Attorney for Defendant
TYRONE DAVIS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 12-00500 YGR

Plaintiff,

v.

**STIPULATION AND PROPOSED
ORDER CONTINUING HEARING**

TYRONE DAVIS,

Defendant /

At that last calling of this case, the matter was continued to December 13, 2012 at 2:00 p.m. for trial setting. On November 28, 2012 the clerk filed a notice that the hearing would be held at 9:00 a.m., rather than at 2:00 p.m., on December 13, 2012.

Counsel for defendant is unavailable at 9:00 a.m. on December 13, 2012 as he already has several pre-scheduled court appearances previously set in three separate state courthouses that morning. Counsel is also unavailable on December 27, 2012 and January 3, 2013 because he is scheduled to be out of the area. Accordingly,

IT IS STIPULATED between the parties, by and through their respective counsel, that the status hearing currently set in the above-referenced case on December 13, 2012 may be continued four weeks to January 10, 2013 at 2:00 p.m. so that defense counsel is available for and may

attend the trial setting court appearance. The parties agree the ends of justice served by granting the continuance outweigh the best interests of the public and defendant in a speedy trial given defense counsel's unavailability and the need for continuity of counsel. Therefore, the parties further stipulate and request that the Court exclude time between the date of this Stipulation and January 10, 2013 under the Speedy Trial Act for effective preparation of counsel, continuity of defense counsel, and pursuant to 18 U.S.C. §§ 3161(h)(4) and (7)(B)(iv).

SO STIPULATED.

MELINDA HAAG
United States Attorney

DATED: December 10, 2012


By: /S/Benjamin Patrick Tolhoff
BENJAMIN P. TOLKOFF
Assistant United States Attorney

DATED: December 10, 2012

By: /S/Erik Babcock
ERIK BABCOCK
Counsel for Defendant

SO ORDERED.

DATED: December 12, 2012


Honorable Yvonne Gonzalez Rogers
UNITED STATES DISTRICT JUDGE